

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

FREDDIE D. HEARD, )  
                          )  
Plaintiff,            )  
                          )  
v.                     )                           CIVIL ACTION NO.  
                          )  
                          )                           2:21cv125-MHT  
                          )  
                          )                           (WO)  
DIRECTOR, OFFICE OF    )  
INFORMATION POLICY, United )  
States Dept. of Justice, )  
and SANDRA J. STEWART, )  
                          )  
Defendants.            )

JUDGMENT

In accordance with the memorandum opinion entered today, it is the ORDER, JUDGMENT, and DECREE of the court that:

- (1) Plaintiff's objections (Doc. 23) are overruled.
- (2) The United States Magistrate Judge's recommendation (Doc. 22) is adopted to the extent set forth in the opinion entered today.
- (3) Defendants' motion to dismiss (Doc. 13) plaintiff's FOIA claim is granted.

(4) Defendants' motion for summary judgment (Doc. 13) is denied as moot.

(5) Plaintiff's motion for leave to file an amended complaint (Doc. 21) is denied as futile.

(6) To the extent plaintiff pleaded a claim in the original complaint (Doc. 1) based on the First Amendment right to petition the government, the claim is dismissed for the same reasons given in the opinion for denying the motion for leave to amend the complaint as futile, i.e., lack of jurisdiction if it is an official-capacity claim and, if it is an individual-capacity claim, because the claim is not cognizable under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

(7) This case is dismissed with prejudice.

Costs are taxed against the plaintiff, for which execution may issue.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment

pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is closed.

DONE, this the 4th day of January, 2023.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE